IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 4876 OF 2004

IN

CRIMINAL APPEAL NO. 1317 Of 2004

Amjad Rasul Khan & ors. .. Applicants

versus

The State of Maharashtra .. Respondents

...

Mr.M.J. Bhatt i/b Mr.Sanjay Gaonkar for the applicants.

Mr.D.P. Adsule, APP for the State.

CORAM : V.M. KANADE, J

DATED : 3rd November 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is convicted u/s.304 II of the IPC and sentenced to suffer RI for five years. One of

the applicants was also injured in the incident. The prosecution case is that while the complainant was carrying out repairs to his house, the applicants came to the site and that started pelting stones and bricks as a result of which father of the complainant was injured and subsequently he succumbed to the injuries and died. The applicants were also injured in the said incident. PW no.1 Dr.Karkal Shetty has stated in his evidence that Samuel Varghese was admitted in his hospital to the bleeding injury to his nose.

3. The applicant under the circumstances be released on bail on the same terms and conditions as imposed by the trial Court. The applicant to furnish fresh bonds.

V.M. KANADE, J